

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)0d Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Aleisha C. Jennings, Esq. (049302015)	CASE NO.: 23-18839-MBK CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Matthew McFadyen, Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOTINDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 11), and states as follows:

1. Debtor, Matthew McFadyen ("Debtor") filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on October 10, 2023.
2. Secured Creditor holds a security interest in the Debtor's real property located at 1034 Zircon Drive, Toms River, NJ 08753, by virtue of a Mortgage recorded on July 24, 2003 in Book 11558, at Page 0034 of the Public Records of Ocean County, NJ. Said Mortgage secures a Note in the amount of \$95,500.00.
3. The Debtor filed a Chapter 13 Plan on November 6, 2023.
4. The Plan proposes to cure Secured Creditor's claim through sale of the subject property. Debtor's Plan appears to be speculative as it is silent as to what efforts have been undertaken to sell the property. There are no filings on the case docket with respect to an application of sale. The Plan is also silent as to an alternative treatment in the event that a sale is not consummated.

5. The Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz, Schneid, Crane & Partners,
PLLC
Authorized Agent for Secured Creditor
130 Clinton Road, Suite 202, Lobby B
Fairfield, NJ 07004
Telephone: 973-575-0707
Fax: 973-404-8886

By: /s/Aleisha C. Jennings
Aleisha C. Jennings, Esquire
NJ Bar Number 049302015
Email: ajennings@raslg.com

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CERTIFICATION OF SERVICE

1. I, Devin Atchison, am the secretary/paralegal for Robertson, Anschutz, Schneid, Crane & Partners, PLLC, who represents WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST in the above-captioned matter.
2. On November 28, 2023, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:
OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date : 11/28/2023

Robertson, Anschutz, Schneid, Crane & Partners,
PLLC
Authorized Agent for Secured Creditor
130 Clinton Road, Suite 202, Lobby B
Fairfield, NJ 07004
Telephone: 973-575-0707
Fax: 973-404-8886
By: /s/ Devin Atchison

Email: datchison@raslg.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Daniel E. Straffi Straffi & Straffi, LLC 670 Commons Way Toms River, NJ 08755	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Matthew McFadyen 1034 Zircon Dr Toms River, NJ 08753-3044	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)